

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 97-360

May 27, 1998

MILO A. HANEY ET AL V. NEW ENGLAND  
TELEPHONE & TELEGRAPH COMPANY  
d/b/a NYNEX Complaint Alleging that  
the Complainants were Removed from the  
Caribou Exchange and Placed in the  
Limestone Exchange Limiting the Local  
Calling Area, They Wish to be Returned  
to the Caribou Exchange

ORDER

WELCH, Chairman; NUGENT and HUNT, Commissioners

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## **I. SUMMARY**

In this Order, we dismiss this complaint as without merit.

## **II. BACKGROUND**

On June 11, 1997, the Commission received a complaint signed by Milo Haney, and 9 other persons against New England Telephone & Telegraph Company d/b/a NYNEX. NYNEX is now d/b/a Bell Atlantic -- Maine (Bell Atlantic or the Company). The complaint, filed pursuant to 35-A M.R.S.A. § 1302, requests that the Commission investigate whether certain customers should be included in the Caribou exchange rather than the Limestone 328 exchange.

Currently, the complainants are served out of Bell Atlantic's Limestone 328 exchange even though they reside in the town of Caribou. These customers were served by a Caribou exchange until Bell Atlantic moved this area to the Limestone 328 exchange when it was established to serve the Loring Air Force Base.<sup>1</sup> Because the Loring base was closed, the Limestone 328 exchange now serves a small number of customers. As a result, the complainants argue that residents suffer significant inconveniences and higher costs and that businesses suffer competitive disadvantages.

Limestone 328 exchange subscribers presently can call about 9,100 subscribers in the communities of Limestone, Caribou, and Fort Fairfield as part of their Basic Service Calling Area

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<sup>1</sup> Loring Air Force Base became operational in June 1950 and was closed in 1994.

(BSCA). Caribou exchange subscribers can call about 20,000 subscribers in Caribou, Fort Fairfield, Limestone, New Sweden, Presque Isle, and Washburn as part of their BSCA. All of these exchanges are included in the Northern Aroostook County directory.

### **III. CHAPTER 204**

On May 19, 1994, the Commission adopted the Basic Service Calling Area rule (Chapter 204) in Docket No. 93-170, which was effective on June 25, 1994. Chapter 204 describes the manner in which calling areas are to be expanded uniformly throughout the state, using a community of interest approach based on the calling patterns of the entire exchange. Where residential calling patterns do not meet the threshold for expansion established by the BSCA rule, Chapter 204 provides a Circle Calling Option for toll calls to all exchanges within 30 miles of the home exchange.

### **IV. DISCUSSION**

Pursuant to 35-A M.R.S.A. § 1302, the Commission notified the Company of the complaint on June 11, 1997 and ordered the Company to file its response to the complaint within 10 days. On June 23, 1997, the Company filed its Response to the 10-person complaint.

In its Response the Company made three comments. First, the Company states that the fact that the Petitioners are Caribou residents does not change the outcome. Bell Atlantic notes that it is not feasible for the Company to reengineer its facilities to have these customers included in the Caribou exchange. All of the affected customers are located along (or adjacent to) the Sawyer Road, which is a dividing line between Caribou and Limestone. Bell Atlantic argues that it is not economical to reengineer its facilities so that one side of the road is included in the Caribou exchange and the other side of the road is included in the Limestone 328 exchange because it would require an inefficient duplication of facilities.

Second, the Company notes that the calling patterns of the Limestone 328 exchange do not meet the threshold established by Chapter 204. Consistent with this rule, the Company has offered Limestone 328 exchange customers a Circle Calling Option for reduced rate calling to neighboring exchanges within 30 miles of the home exchange. Thus, Bell Atlantic states that the

Petitioners enjoy the basic service calling area boundaries established by the Commission's rules.

Third, the Company notes that in CAD Technical Bulletin #95-1, the Commission's Consumer Assistance Director recommended that although customers that are dissatisfied with the outcome of Chapter 204 have a right to file a formal 10-person complaint, the more appropriate request for relief would be to seek a waiver under Chapter 204. This 10-person complaint falls well short of the requirement in the rule for 1,000 signatures or 30 percent of the exchange's subscribers in support of a waiver request (about 105 subscribers in this case).

Based on these comments, the Company does not support granting complainants' request.

On February 25, 1998, the Company filed a letter that provided some additional information on the cost of converting the complainants to Caribou telephone service. The Company argues that the current facilities are not sized to handle the transfer of these Limestone customers to the Caribou exchange, the estimated cost of conversion is substantial, and conversion would produce duplicative and uneconomic facilities.

On March 9, 1998, Milo Haney filed a letter that argues that the Company's position is not justifiable. Mr. Haney argues that the present capacity of the system can be modified to accommodate all Caribou residences now placed on the Limestone exchange in an economical manner. Mr. Haney argues that the Caribou customers that had been transferred to Limestone, should be returned to the Caribou exchange.

On May 13, 1998, the Commission advisory staff conducted a meeting of the parties. The Company provided maps and detailed engineering information that illustrated the necessity of additional network plant and estimated the costs of that plant.

## **V. DECISION**

There are about 250 municipalities in Maine that are served by two or more exchanges or that do not have identical basic service calling areas. While we sympathize with the complainants, who are served by a very small exchange as a result of the closure of the Loring base, we find that the present record does not support granting the complainants' request.

The complainants may call, and be called from, each of the requested Caribou exchanges as part of their basic service calling area.<sup>2</sup> If a customer signs up for a Circle Calling Option, a reduced rate of \$0.10 per minute is available.

By electing to subscribe to an optional Circle Calling plan, Limestone 328 exchange subscribers can call additional exchanges, including Easton, Grand Isle, Mars Hill, New Sweden, Presque Isle, Van Buren, and Washburn; the cost is \$6.00 for the first hour of toll service and \$0.10 per minute thereafter.<sup>3</sup> In addition, as Bell Atlantic noted above, Selective Calling Plans are available. We encourage the complainants to investigate optional calling rate plans to determine whether these services would be economically beneficial to the subscriber.

We find that this complaint does not meet the waiver requirement in Chapter 204, which requires the signatures of 30 percent or 1,000 customers (whichever is less) of each exchange requesting the change. Although Chapter 204 grants the complainants only partial relief, we are reluctant to depart from the requirements of this rule.

While we are not able to grant the complainants request, it is worth noting that we are working diligently to lower instate long-distance rates pursuant to 35-A M.R.S.A. § 7101-B. Lower instate long distance rates should help to ameliorate customer concerns about limited calling areas.

Finally, we note that conversion of these customers is currently uneconomic because of limited capacity on the system and that a Digital Loop Carrier would be required to increase capacity. We are well aware of the customer inconveniences and business disadvantages are experiencing. While we will not require Bell Atlantic to convert these Limestone exchange customers to the Caribou exchange, we strongly encourage Bell Atlantic to carefully consider converting the complainants to the

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<sup>2</sup> In addition, calls made from pay telephones to and from the Limestone 328 exchange are priced at \$0.30 for the first two minute period (thus, payphone calls from schools that are outside the Limestone 328 exchange to home are now priced at a more economical rate).

<sup>3</sup> In addition, NYNEX's Pine Tree calling plan may be beneficial for some customers. Pine Tree service is designed to be a state-wide, "off-peak" plan and therefore includes time-of-day pricing.

Caribou exchange when it adds a Digital Loop Carrier in Limestone or Caribou in the future.

Therefore, we

O R D E R

That this complaint be dismissed as without merit.

Dated at Augusta, Maine this 27th day of May, 1998.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR: Welch  
Nugent

Absent      Hunt